

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 321G.23, 321I.25, 462A.1 and 483A.27(4), the Natural Resource Commission hereby amends Chapter 12, "Conservation Education," Iowa Administrative Code.

The adopted amendments clarify the general requirements of the Department's boating, snowmobiling, all-terrain vehicle, snow groomer operator, fur harvester, and bow hunting education programs, as well as further delineate each program's instructor certification criteria.

Notice of Intended Action was published in the Iowa Administrative Bulletin on January 13, 2010, as **ARC 8463B**. Public comments were taken through February 2, 2010. A subsequent public hearing was held April 2, 2010, and notice was given via press releases and E-mail messages.

- Comments received and the response from the Department regarding the Iowa Hunter Education and Ethics program are as follows:

There was concern that requiring hunter education (HE) instructors to teach a course once every two years, at a minimum, was not sufficient and that a yearly requirement would be better. The Department believes, however, that every two years is adequate to keep instructors up-to-date on subject matter and better accommodates the volunteers' schedules. By also requiring HE instructors to attend an instructor development workshop once every two years, the Department believes adequate measures are in place to guarantee that active and informed instructors are teaching all courses. These requirements are mandatory and an instructor's failure to meet them will result in the revocation of an instructor's certification, making the instructor ineligible to teach classes.

The Department received a comment expressing concern over how the program addresses students who are felons and if this issue needs to be specifically addressed in the rules. The Department does a thorough job of training instructors on how to handle these situations, gives refreshers on this topic at its instructor workshops, and covers the topic in the instructor policy and procedures manual. The Department does not believe that this issue needs to be included in the rules.

Another comment added that a one-day HE class was not sufficient. In response, the Department has structured its current curriculum based upon authorization of, at a minimum, a ten-hour class pursuant to Iowa Code section 483A.27(2). Additionally, approved online courses that pair online instruction with a field day only require a four-hour block of classroom instruction. The Department believes that mandating a two-day, in-person class would negatively impact the online certification option, and that keeping the two methods more aligned by incorporating the ten-hour and four-hour rather than the four-hour and two-day option is sufficient and appropriate.

- Comments received and the responses from the Department regarding the All-Terrain Vehicle (ATV) Education Program are as follows:

Several comments stated that students who do not have access to the Internet should still be able to register for classes in person or via the telephone. The Department agrees. Students will be able to contact the Program Coordinator, a Recreation Safety Officer, a Department district office, the Online Training Registration and Tracking System (OTRATS) Administrator, or the instructor to set up a student account. Furthermore, the Department would like to clarify that a home computer is not necessary to utilize the online registration and education programs. Internet access available from public computers, such as those at a school or a library, is sufficient to navigate the online registration and course programs.

Several comments focused on ATV registration requirements. The Department clarified that ATVs do not currently have to be registered for use on private land, and that same rule applies for ATV education courses held on private land. Comments also focused on whether an ATV that is not currently required to be registered would have to be registered if ridden in an education course held on public lands. The Department has revised the rule to add that there is not a course-only registration requirement. Students will be given a registration waiver free of charge for the duration of the education course, but will not be allowed to ride on the designated riding area at any other time if the machine is unregistered, including

directly after instruction is over. The Department will provide a “registration applied for” placard to owners of machines who have not yet received their registration to use during a course of instruction held on public lands. The Department believes these fact-specific waivers are clearly justified. Current law exempts from registration ATVs solely used on a farm, or those exclusively ridden on private lands. The Department is concerned that requiring registration, which carries tax implications, may dissuade these individuals from getting important safety training.

Finally, a comment inquired whether instructors could teach private (exclusionary) classes. The Department’s preference is that all classes are open to general registration, but the rules do provide for an exception. A written request for a private class must be submitted to the Program Coordinator or the Recreational Safety Programs Supervisor, who will either grant or deny the request and will provide justification for doing so.

- Comments received and the responses from the Department regarding the Snowmobile Education Program are as follows:

Some comments inquired about the proposed increase in the snowmobile education program fee. The current \$5 fee goes solely toward the education certificate that students receive upon successful completion of the course. These amendments increase the course fee to \$10 to cover the cost of materials provided to students. The DNR is allowed to charge a course fee under Iowa Code section 321G.23.

Comments expressed concern that the current program denied participation by children younger than 12 years of age. However, the Department clarified that students of all ages may participate, but only those 11 years of age and older are eligible for a certificate of completion. An 11-year-old can earn a certificate but it will not be effective until the student’s twelfth birthday.

Stakeholders questioned the requirement that only public buildings be used for classroom instruction, stating that many successful courses had been taught in private buildings and homes. The Department has implemented this requirement based upon national trends to protect both instructors and students from the possibility or even the appearance of impropriety. Fortunately, there have been no incidents in Iowa where a student has accused a volunteer instructor of improper behavior, but the Department has a responsibility to put safeguards in place to protect students participating in its educational programs. The rule does provide for an exception to be granted at the discretion of the Program Coordinator, Recreation Safety Officer, or Recreational Safety Programs Supervisor.

Comments expressed concern over the verification issues anticipated with online courses; namely, how to verify student participation which is an issue that did not arise in traditional classroom settings. The Department intends to manage the online course by utilizing built-in security that requires personalized registration and log-on information. This built-in security system will ensure that the registered student is the actual student taking the course. Moreover, across the country, students of online recreation education courses are exhibiting increased course knowledge compared to students from traditional classroom settings, making the Department confident in its choice to offer the programs in Iowa. This increased knowledge is due to the mixed teaching styles and the self-paced approach of the online course. The Department is not intending to phase out classroom-based courses, but rather respond to the interest in the public for more and different education options.

Finally, a comment asked why snowmobile instructors were required to take a continuing education (CE) course every two years when the curriculum content does not change that quickly. This comment is applicable to all instructors because they must fulfill CE requirements as well. The CE requirement does not focus solely on substantive issues related to the sport, but rather is all-inclusive of the responsibilities of being an instructor. The Department believes it is imperative to keep instructors current on program requirements, changes to paperwork and reporting requirements, and administrative rule changes and to keep instructors active and in regular contact with Department personnel.

- Comments received and the responses from the Department regarding the Snow Groomer Operator Program are as follows:

A comment was not in favor of the CE requirement for this program. The Department’s response is the same as that expressed above for snowmobile instructors.

Another comment disagreed with the requirement that operators pay a \$10 fee every three years to be recertified. The Department clarified that the \$10 fee is a one-time fee collected when the operator is originally certified; no other subsequent fees are collected.

Comments were received that encourage more advance advertising of courses. The Department agrees and will continue to work with local associations and groups, including the Iowa State Snowmobile Association, to ensure sufficient notice is given to interested parties.

A comment was received that asked for clarification of the snow groomer operator apprenticeship program. The Department has reviewed this rule and redrafted it for clarity. The apprenticeship is conducted by the operator-applicant in conjunction with a certified operator. An operator card will be given to successful operator-applicants after the Program Coordinator has received a positive review from the certified operator who oversaw the apprenticeship.

- No comments were received, either in writing or at the public meeting, concerning the Department's Boating Education Program, Bow Hunter Education Program, or Fur Harvester Education Program.

These amendments are intended to implement Iowa Code sections 321G.23, 321I.25, 462A.1, and 483A.27(4).

These amendments will become effective July 7, 2010.

The following amendments are adopted.

ITEM 1. Adopt the following new division title before rule **571—12.1(455A)**:

DIVISION I

RESOURCE ENHANCEMENT AND PROTECTION

CONSERVATION EDUCATION PROGRAM (REAP)

ITEM 2. Amend **571—Chapter 12**, implementation sentence for Division I, as follows:

~~These~~ The rules in this division are intended to implement Iowa Code sections 455A.19 and 455A.21.

ITEM 3. Amend **571—Chapter 12** by adopting the following new division title:

DIVISION II

RECREATION EDUCATION COURSES

ITEM 4. Amend **571—Chapter 12** by adopting the following new Part I title:

PART I

VOLUNTEER INSTRUCTOR CERTIFICATION AND DECERTIFICATION PROCEDURES

ITEM 5. Adopt the following new rules 571—12.20(321G,321I,462A,483A) to 571—12.29(321G,321I,462A,483A):

571—12.20(321G,321I,462A,483A) Purpose. Pursuant to Iowa Code sections 321G.23, 321I.25, 462A.1 and 483A.27(4), these rules set forth curriculum and course standards for the department's recreation education courses and provisions for certification of volunteer instructors to teach the courses.

571—12.21(321G,321I,462A,483A) Definitions. For the purpose of this division:

"Certified instructor" means a person who meets all criteria in rule 571—12.23(321G,321I,462A,483A) and the specifics contained in each education program's Instructor Policies and Procedures Manual and who wishes to voluntarily teach an education course.

"Department" means the department of natural resources.

"DNR online training registration and tracking system" means the Web-based application that tracks student data, allows students to register for courses, allows certified instructors to list their course offerings and to track volunteer hours and program details, and displays downloadable PDF files.

"Education course" means the department's bow hunter, fur harvester, snowmobile, all-terrain vehicle (ATV), boating, snow groomer operator, and hunter safety and ethics courses.

"Instructor applicant" means a person who has applied to become a certified volunteer instructor for one of the department's education courses.

“Managed Internet course” means a course offered via the Internet which contains a protocol that ensures that the person registering for the course is the person taking the test and includes a progressive sequence for the presentation of course material.

“Program coordinator” means the person assigned from the snowmobile, all-terrain vehicle, and boating programs to coordinate instructor certification and development activities, develop curriculum standards for the programs, conduct outreach for the programs, train volunteer instructors and evaluate their skills, and serve as the primary contact for information about the programs.

“Recreational safety programs supervisor” means the person charged by the department with the coordination and management of the recreation education programs, including personnel employed by the department to work with these programs.

“Recreation safety officer” means a peace officer employed by the department who has received specialized training in managing and overseeing the recreation education programs of the department, including training volunteer instructors and evaluating their skills.

“Student” means a person who wishes to enroll or has enrolled in an education course.

571—12.22(321G,321I,462A,483A) Certified instructor application process.

12.22(1) Application procedures.

a. The instructor applicant must request an application by contacting a program coordinator, a recreation safety officer, or the recreational safety programs supervisor.

b. The instructor applicant must provide all information requested on the application or the department may reject the application.

c. The application will remain on file until the instructor applicant meets all the requirements in rule 571—12.23(321G,321I,462A,483A).

d. Once the instructor applicant successfully completes all required training and meets all required qualifications, the program coordinator, recreation safety officer, or recreational safety programs supervisor shall document that all certification requirements have been met and shall issue a certified instructor identification card to the instructor.

12.22(2) Acceptance of certified instructor applications. If the number of existing certified instructors in one or more of the education courses meets the demand for those courses, based on student enrollment, the department may choose not to accept new applications for the specified education program.

571—12.23(321G,321I,462A,483A) Requirements for instructor certification.

12.23(1) Minimum requirements. The conditions listed in this rule must be satisfied before an instructor applicant may become a certified instructor. Failure to meet these requirements shall result in the denial of the application. The instructor applicant will be notified of the denial by the program coordinator or recreational safety programs supervisor. The instructor applicant must:

a. Submit an application as provided by the department.

b. Be at least 18 years of age.

c. Attend and pass an instructor training and certification course administered by the department and described as follows:

(1) ATV education program. The instructor training and certification course for the ATV education program reviews policies and procedures of the department as contained in these rules and the specifics of the program, paperwork required by the department, education course material, teaching techniques, and criteria for evaluating the performance of student skills and requires completion of the education course and an apprenticeship.

(2) Boating education program. The instructor training and certification course for the boating education program reviews policies and procedures of the department as contained in these rules and the specifics of the program, paperwork required by the department, course material, criteria for evaluating the performance of student skills, and teaching techniques and requires completion of the student course and instruction of the course under the direction of department representatives.

(3) Hunter safety and ethics education program. The instructor training and certification course for the hunter safety and ethics program reviews policies and procedures of the department as contained in these rules and the specifics of the program, paperwork required by the department, education course material, teaching techniques, and criteria for evaluating the performance of student skills and requires completion of the education course and an apprenticeship.

(4) Bow hunter education program. The instructor training and certification course for the bow hunter education program reviews policies and procedures of the department as contained in these rules and the specifics of the program, paperwork required by the department, education course material, teaching techniques, and criteria for evaluating the performance of student skills and requires completion of the education course and an apprenticeship.

(5) Fur harvester education program. The instructor training and certification course for the fur harvester education program reviews policies and procedures of the department as contained in these rules and the specifics of the program, paperwork required by the department, education program material, teaching techniques, and criteria for evaluating the performance of student skills and requires completion of the education program and an apprenticeship.

(6) Snowmobile education program. The instructor training and certification course for the snowmobile education program reviews policies and procedures of the department as contained in these rules and the specifics of the program, paperwork required by the department, education course materials, skills that pertain to administering the student examination, and teaching techniques and requires completion of an apprenticeship.

(7) Snow groomer operator education program. The training for the snow groomer operator program teaches the basics of snow science, best practices of equipment operation, documentation requirements, liability issues, insurance coverage, and the requirements of the equipment agreement that is in place between the individual club and the department and requires completion of an apprenticeship.

12.23(2) Apprenticeship. The instructor applicant must complete an apprenticeship for the specific education program.

a. *ATV education program.* The apprenticeship requirement for the ATV education program consists of either teaching a simulated class to other instructor applicants or assisting a certified instructor to prepare and present an education course to students.

b. *Boating education program.* The apprenticeship requirement for the boating education program consists of either teaching a simulated class to other instructor applicants or assisting a certified instructor to prepare and present an education course to students.

c. *Hunter safety and ethics education program.* The apprenticeship requirement for the hunter safety and ethics education program consists of either teaching a simulated class to other instructor applicants or assisting a certified instructor to prepare and present an education course to students. The apprenticeship may be completed during the instructor training and certification course or within one year of attending the course.

d. *Bow hunter education program.* The apprenticeship requirement for the bow hunter education program consists of either teaching a simulated class to other instructor applicants or assisting a certified instructor to prepare and present an education course to students.

e. *Fur harvester education program.* The apprenticeship requirement for the fur harvester education program consists of either teaching a simulated class to other instructor applicants or assisting a certified instructor to prepare and present an education course to students.

f. *Snowmobile education program.* The apprenticeship requirement for the snowmobile education program consists of assisting a certified instructor to prepare and present an education course to students.

g. *Snow groomer operator education program.* The apprenticeship requirement for the snow groomer operator education program consists of assisting a certified instructor to prepare and present an education course to operator applicants.

12.23(3) Background check. The instructor applicant must authorize a background check that includes, but may not be limited to, a criminal history check. A record of a felony conviction will disqualify the instructor applicant. A record of a serious or aggravated misdemeanor within the last three years will disqualify the instructor applicant.

12.23(4) *Fish and wildlife violation check (hunting, fishing, and trapping).* The instructor applicant must authorize a fish and wildlife violation check. The instructor applicant may be disqualified if the instructor applicant has accumulated any habitual offender points pursuant to rule 571—15.6(483A) within the last five years or had a license suspended by a court of law or the department.

571—12.24(321G,321I,462A,483A) Certified instructor responsibilities and requirements.

12.24(1) A certified instructor has the following responsibilities:

- a. To follow all policies and procedures as set forth by the department for the specified education program.
- b. To sign an acknowledgment form confirming receipt of the department's policies and procedures. The certified instructor is ineligible to begin teaching an education course until the acknowledgment form is signed and filed with the department. Any updates to the policies and procedures shall be provided in writing to the certified instructor, and an additional acknowledgment form must be signed and filed with the department. Failure to file a subsequent acknowledgment form with the department invalidates the instructor's certification.
- c. To assist in the recruitment and training of additional certified instructors.
- d. To recruit students for and train students in the education course.
- e. To actively promote the education program in the instructor's county and to publicize each new education course. A course must be posted at least 30 days prior to the start date of the course.
- f. To maintain order and discipline in the classroom and outdoor classroom at all times.
- g. To accurately fill out forms and reports required by the department for the accurate input and upkeep of the DNR online training registration and tracking system's records, or paper forms if applicable.
- h. To teach the education course as prescribed by the department.

12.24(2) A certified instructor must teach a minimum of one course every two years. If this requirement is not met, the instructor's certification may be revoked after notification by certified mail. If an instructor's certification is revoked due to inactivity, the instructor may reapply to become a certified instructor pursuant to rule 571—12.22(321G,321I,462A,483A). Based upon the period of inactivity, some of the requirements in rule 571—12.23(321G,321I,462A,483A) may be waived by the program coordinator or recreational safety programs supervisor.

12.24(3) A certified instructor must attend one continuing education instructor workshop every two years.

12.24(4) A certified instructor shall represent the department in a positive manner that supports the department's goals and shall avoid even the appearance of impropriety while instructing students.

12.24(5) A certified instructor must teach the education course with another adult present unless the certified instructor obtains prior approval from the department. It is the department's preference that the certified instructor is assisted by another department-certified instructor, but a noncertified assistant over 18 years of age may assist so long as the noncertified assistant does not directly teach the students substantive issues of the course. The person assisting the certified instructor must meet the same standards and expectations for character and behavior as the department has for its instructors. The certified instructor is responsible for the conduct of the noncertified assistant. The certified instructor is subject to suspension or revocation of certification based upon the actions of the noncertified assistant.

If the course is taught without another adult present, notification to the program coordinator, recreation safety officer, or recreational safety programs supervisor must be made and authorization of the course must be given by the department in writing prior to holding the class. A parent or legal guardian of a student in the class who is present as a direct result of the student's participation is not eligible to assist with the class.

This subrule does not apply to a conservation officer or any other department representative who is teaching an education course alone.

12.24(6) A certified instructor shall not use private residences for classes, and shall limit instruction to public buildings or facilities unless a private, nonresidence venue is approved beforehand in writing by the program coordinator, recreation safety officer, or recreational safety programs supervisor.

12.24(7) All recreation education courses shall be made available to the public except for special circumstances that are preapproved by the department, such as courses being held in conjunction with schools, camps, and other special events.

571—12.25(321G,321I,462A,483A) Grounds for revocation or suspension of instructor certification. The department may, at any time, seek to revoke or suspend the instructor certification of any person who:

1. Fails to meet the instructor responsibilities and requirements as outlined in rule 571—12.24(321G,321I,462A,483A).

2. Fails to follow the policies and procedures of the department.

3. Falsifies any information that may be required by the department. Falsifying information is understood to mean purposefully supplying information that is inaccurate or misleading or the intentional omission of information.

4. Handles any equipment in an unsafe manner, or allows any student or other instructor to handle equipment in a reckless or unsafe manner.

5. Is convicted of or forfeits a bond for any fish and game, snowmobile, ATV, or navigation violation of this state or any other state. Anyone who has a privilege to operate a motor vehicle suspended, barred, or revoked shall not be eligible to be an instructor for the snowmobile, ATV, or snow groomer operator education programs.

6. Uses profanity or inappropriate language, such as any type of sexist or racial references or generalities.

7. Engages in the physical punishment of a student, including the use of unreasonable or unnecessary physical force or physical contact made with the intent to cause pain, or any type of indecent contact with a child as defined by the Iowa Code.

8. Participates in a course while under the influence of alcohol or any illegal drug or while ingesting prescription medication in a manner contrary to the dosing directions given by the prescribing physician.

9. Has substantiated complaints filed against the instructor by the public, department personnel, or another certified instructor.

10. Fails to meet the requirements in subrule 12.24(2) or 12.24(3).

11. Is under investigation for committing, is in the process of a judicial proceeding based on the allegation of committing, or is convicted of committing a felony or an aggravated or serious misdemeanor as defined in the statutes of this state or another state. Every certified instructor is subject to a criminal history check and conservation violation check at any time during the instructor's tenure as an instructor.

12. Receives compensation directly or indirectly from students for time spent preparing for or participating in an education course.

13. Teaches an education course without another adult present without prior department approval.

571—12.26(321G,321I,462A,483A) Temporary suspensions and immediate revocations of instructor certifications.

12.26(1) Any complaint made against a department-certified instructor will be taken seriously and will be investigated by a program coordinator, a recreation safety officer, or a conservation officer. If convincing evidence exists that a certified instructor engaged in any of the activities listed in rule 571—12.25(321G,321I,462A,483A), the instructor's certification will be temporarily suspended. A letter detailing the reason(s) for the instructor's certification suspension will be sent via certified mail to the last-known address of the instructor. The letter will detail the length of the suspension and any corrective action to be taken by the instructor before the instructor's certification is reinstated.

12.26(2) At the conclusion of the department's investigation, any certified instructor who is found to have engaged in the activities listed in rule 571—12.25(321G,321I,462A,483A), numbered paragraph "3," "5," "7," "8," "11," or "12," shall immediately have the instructor's certification revoked. In the event that an instructor's certification is revoked, rule 571—12.29(321G,321I,462A,483A) shall apply.

12.26(3) At the conclusion of the department's investigation, if a certified instructor is found to have exercised bad judgment while teaching a class, failed to complete paperwork in a timely and proper manner, or engaged in risky or unsafe behavior or in an activity listed in rule 571—12.25(321G,321I,462A,483A), numbered paragraph "4," "6," "9," or "13," the suspension shall be exercised at the department's discretion based upon the nature and seriousness of the misconduct.

12.26(4) For the hunter safety and ethics education program, bow hunter education program, and fur harvester education program, the results of the department's investigation shall be supplied to the Iowa Hunter Education Instructor Association (IHEIA), which shall review the results and supply a disciplinary recommendation to the department. The department shall consider IHEIA's recommendation when exercising its discretion to suspend or revoke the instructor's certification, based upon the nature and seriousness of the misconduct.

571—12.27(321G,321I,462A,483A) Termination of certification. Any certified instructor has the right, at any time, to voluntarily terminate the instructor's certification. If a certified instructor voluntarily terminates the certification or the instructor's certification is terminated by the department, the instructor must return to the department the certification card and all materials that were provided to the individual.

571—12.28(321G,321I,462A,483A) Compensation for instructors. Instructor applicants and certified instructors shall not receive any compensation for their time either directly or indirectly from students while preparing for or participating in a course. However, instructor applicants and certified instructors may require students to pay for actual, course-related expenses involving facilities, meals, or materials other than those provided by the department. All certified instructors shall keep all records, bills, receipts, etc., relating to student payments for at least one year after the course and shall submit such documents to the department upon request.

571—12.29(321G,321I,462A,483A) Hearing rights. If the department seeks to revoke an instructor certification pursuant to rule 571—12.26(321G,321I,462A,483A), the department shall provide to the certified instructor written notice of the intent to revoke the certification as provided in Iowa Code chapters 17A and 455A, and Iowa Administrative Code 561—Chapter 7. If the certified instructor requests a hearing, it shall be conducted in accordance with Iowa Administrative Code 561—Chapter 7.

ITEM 6. Amend **571—Chapter 12** by adopting the following new Part II title:

PART II

RECREATION EDUCATION PROGRAMS

ITEM 7. Adopt the following new rules 571—12.31(321I) to 571—12.37(483A):

571—12.31(321I) ATV education program.

12.31(1) For the ATV education program, the department has developed a rider-based course designed to meet the statutory requirement to provide rider education and instructor development as provided in Iowa Code section 321I.25.

12.31(2) Reciprocity. The department also recognizes safety courses taught by ATV Safety Institute (ASI)-certified instructors. Students who successfully complete this course are not required to take any additional training or testing from the department and are eligible to receive an education card issued by the department upon proof of successful completion of the course from the ASI-certified instructor and the payment of the \$5 certification fee.

12.31(3) The department's ATV Education Program Skills Course is approximately four to six hours in length and is designed to be completed in one day. The education course is designed to teach ATV riders the principles and behaviors of safe and responsible ATV riding. The education course consists of both lecture and riding lessons.

12.31(4) The following criteria apply to the ATV education program:

a. Any student who is 11 years of age or older may enroll in a course and receive a certificate if the student successfully completes the course; however, if the student is 11 years old, the certificate shall not become valid until the student's twelfth birthday.

b. A student successfully completes the education course by demonstrating proficiency in the riding skills taught in the course. Students who are not able to demonstrate safe riding skills will not earn an education certificate.

c. The cost of the education course is \$25 per student. Payment may be made when the student registers for the course or to the instructor at the time of class. Payment shall be made by check or money order made payable to the DNR. Course fees are nonrefundable.

d. Students must use the DNR online training registration and tracking system to register for classes unless Internet access is unavailable. Students who do not have access to the Internet, which includes access through a public option such as a school or library, may contact the program coordinator, a department district office, the system administrator, or an instructor to set up a student account and register for the class. Assistance may be found by calling (515)281-5918. Students under the age of 11 must have a parent or guardian establish a user account and register on their behalf.

e. Students must provide their own protective riding gear and an ATV properly sized for the student. "Properly sized" means the student can comfortably reach all of the controls on the machine and can operate them. Students must also be of sufficient body weight to be able to maintain safety on the machine by shifting their weight during the training. The student must wear a helmet and protective eyewear at all times when the student is operating an ATV. The ATV must be in good working order, equipped with a proper muffler, and have current registration if the class is taught on public land as required by Iowa Code section 321I.3. If the class is held on private land, the registration requirement is not applicable. If the machine being used by the student is not required to have a recreation-use registration by statute, the registration requirement is not applicable and the lead instructor will put a placard on the machine to be used during the class indicating the exception. Students whose ATVs do not meet the requirements of this paragraph or whose ATVs are not properly sized will not be allowed to participate in the education course.

12.31(5) The department will establish requirements and standards for curriculum, security protocol, and managed delivery for an online education offering. Only vendors that have entered into a memorandum of understanding with the department will be allowed to offer an online course that results in the issuance of a department education certificate. Vendors may charge for their courses as agreed to in the memorandum of understanding and must collect the department's education certificate fee on behalf of the department.

571—12.32(321G) Snowmobile education program.

12.32(1) For the snowmobile education program, the department has developed an education course designed to meet the statutory requirement in Iowa Code section 321G.23 to provide rider education and instructor development.

12.32(2) The education course is approximately eight hours in length, consists solely of lecture, and is designed to be completed in one day.

12.32(3) The following criteria apply to the snowmobile education program:

a. Any student who is 11 years of age or older may enroll in a course and receive a certificate if the student successfully completes the course; however, if the student is 11 years old, the certification shall not become valid until the student's twelfth birthday.

b. Students will be given a written examination that they must pass with 80 percent accuracy in order to earn an education certificate.

c. A home study course may be offered at the discretion of the department. The home study packet will contain the same written material provided in the classroom-based setting. An attestation form must be signed by a parent or guardian stating that the student completed the work. A student completing a home study course must pass a written examination with 80 percent accuracy in order to earn the education certificate.

d. The cost of the education course, for both the instructor-led class and the home study option, is \$10 per student. Payment may be made when the student registers for the course or to the instructor at the time of class. Home study students must mail in payment with their completed course paperwork. Payment shall be made by check or money order made payable to the DNR. Course fees are nonrefundable.

e. Students must use the DNR online training registration and tracking system to register for classes unless Internet access is unavailable. Students who do not have access to the Internet, which includes access through a public option such as a school or library, may contact the program coordinator, a department district office, the system administrator, or an instructor to set up a student account and register for the class. Assistance may be found by calling (515)281-5918. Students under the age of 11 must have a parent or guardian establish a user account and register on their behalf.

12.32(4) The department will establish requirements and standards for curriculum, security protocol, and managed delivery. Only vendors that have entered into a memorandum of understanding with the department will be allowed to offer an online course which results in the issuance of a department education certificate. Vendors will be allowed to charge for their courses as agreed to in the memorandum of understanding and must collect the department's education certificate fee on behalf of the department.

571—12.33(462A) Boating education program.

12.33(1) In accordance with Iowa Code section 462A.1, the goal of the boating education program and education course is to promote safe and responsible boating practices.

12.33(2) Reciprocity. The department also recognizes safety courses taught by United States Coast Guard Auxiliary- and United States Power Squadron-certified instructors. Students who successfully complete this course are not required to take any additional training or testing from the department and are eligible to receive an education card issued by the department upon proof of successful completion of the course from the United States Coast Guard Auxiliary- or United States Power Squadron-certified instructor and the payment of the \$5 certification fee.

12.33(3) The education course for the boating education program is taught by certified instructors in a classroom setting and shall be a minimum of eight hours in length.

12.33(4) The following criteria apply to the boating education program:

a. Any student who is 11 years of age or older may enroll in a course and receive a certificate if the student successfully completes the course; however, if the student is 11 years old, the certification shall not become valid until the student's twelfth birthday.

b. Students will be given a written examination that they must pass with 80 percent accuracy in order to earn an education certificate.

c. A home study course may be offered at the discretion of the department. The home study packet will contain the same written material provided in the classroom-based setting. An attestation form must be signed by the parent or guardian stating that the student completed the work. A student must pass a written examination with 80 percent accuracy in order to earn an education certificate.

d. The cost of the education course, for both the instructor-led class and the home study option, is \$5 per student. Payment may be made when the student registers for the course or to the instructor at the time of class. Home study students must mail in payment with their completed course paperwork. Payment shall be made by check or money order made payable to the DNR. Course fees are nonrefundable.

e. Students must use the DNR online training registration and tracking system to register for classes unless Internet access is unavailable. Students who do not have access to the Internet, which includes access through a public option such as a school or library, may contact the program coordinator, a department district office, the system administrator, or an instructor to set up a student account and register for the class. Assistance may be found by calling (515)281-5918. Students under the age of 11 must have a parent or guardian establish a user account and register on their behalf.

12.33(5) The department will establish requirements and standards for curriculum, security protocol, and managed delivery. Only vendors that have the National Association of State Boating Law Administrators seal of approval and have entered into a memorandum of understanding with the

department will be allowed to offer an online course which results in the issuance of a department education certificate. Vendors may charge for their courses as agreed to in the memorandum of understanding and must collect the department's education certificate fee on behalf of the department.

571—12.34(483A) Hunter safety and ethics education program.

12.34(1) The education course for the hunter safety and ethics education program is designed to teach students basic survival and first-aid skills, water safety, wildlife identification, and the basics of wildlife management, hunting laws, and firearm/archery safety. The education course also stresses the importance of individual responsibility and outdoor ethics. Satisfactory completion of the education course is mandatory pursuant to Iowa Code section 483A.27 for anyone born after January 1, 1972, who wishes to purchase an Iowa hunting license.

12.34(2) The education course is taught by certified instructors and is a minimum of ten hours in length. The education course shall have both classroom and hands-on components. Where permitted, live fire exercises may be taught.

12.34(3) The hunter safety and ethics education program also offers an online course/field day. The online course is approximately six hours in length and covers the same subject taught in the lecture portion of the department's course. A field day voucher may be purchased from the online vendor for a fee determined in the memorandum of understanding between the vendor and the department upon the student's successful completion of the online course. The field day voucher is valid for one year from the date of issuance and authorizes entrance into a field day course. The field day portion is approximately four hours in length and is designed to meet the additional required elements of the hunter safety and ethics education program required in Iowa Code section 483A.27. Students must preregister for the field day course by using the DNR online training registration and tracking system unless Internet access is unavailable, in which case the student shall preregister by contacting the department.

a. The department recommends that the student be 16 years of age or older to take the online/field day course.

b. Only vendors that have been approved by the International Hunter Education Association and have entered into a memorandum of understanding with the department shall be allowed to offer an online course that results in the issuance of a field day voucher.

12.34(4) The following criteria apply to the hunter safety and ethics education program:

a. Any student who is 11 years of age or older may enroll in a course and receive a certificate if the student successfully completes the course; however, if the student is 11 years old, the certificate shall not become valid until the student's twelfth birthday. If the certificate is lost, a replacement certificate may be obtained from any electronic license system for Iowa (ELSI) vendor during regular business hours for \$3.50.

b. A student successfully completes the course by completing a minimum of ten hours of training, six of which may be completed online if a student chooses to attend an online/field day course. Upon completion of the ten-hour curriculum, each student must take an individual oral or written test provided by the department. The student must pass the test with a score of 75 percent or higher. Based on the results of the test and the student's demonstration of safe handling of a firearm, the instructor shall determine if the student shall be issued a certificate of completion.

c. Students must use the DNR online training registration and tracking system to register for classes unless Internet access is unavailable. Students who do not have access to the Internet, which includes access through a public option such as a school or library, may contact a recreation safety officer, a department district office, the system administrator, or an instructor to set up a student account and register for the class. Assistance may be found by calling (515)281-5918. Students under the age of 11 must have a parent or guardian establish a user account and register on their behalf.

d. There is no fee for the education course.

571—12.35(321G) Snow groomer operator education program.

12.35(1) The department has developed a program to educate snow groomer operators to meet the statutory requirement of Iowa Code section 321G.2.

12.35(2) The snow groomer operator education program includes review of the department's policies and procedures, course materials, operator certification requirements, paperwork requirements, and the department's equipment agreement and completion of an apprenticeship as detailed in subrule 12.23(2).

12.35(3) The following criteria apply to the snow groomer operator education program:

a. An operator must be at least 18 years of age and possess a valid Iowa driver's license in order to be certified to operate a piece of snow grooming equipment.

b. The cost of the course is \$10 per student. Payment may be made when the student registers for the course or to the instructor at the time of class. Payment shall be made by check or money order made payable to the DNR. Course fees are nonrefundable.

c. Students must use the DNR online training registration and tracking system to register for classes unless Internet access is unavailable. Students who do not have access to the Internet, which includes access through a public option such as a school or library, may contact the program coordinator, a department district office, the system administrator, or an instructor to set up a student account and register for the class. Assistance may be found by calling (515)281-5918.

d. Operators shall agree to follow all policies and procedures as set forth by the department and sign an acknowledgment form for these policies and procedures and file it with the department. The operator is ineligible to begin operating equipment, including during the apprenticeship training, until the acknowledgment form is signed and on file with the department.

12.35(4) A student who wishes to become a certified operator must complete an apprenticeship to receive the student's certification card. A student must operate the equipment under the direct supervision of a certified operator until the certified operator is confident that the student can successfully operate the equipment independent of assistance. Upon successful completion of the apprenticeship, the certified instructor will notify the program coordinator that the certification card can be issued. Operation of snow grooming equipment is allowed only by someone with a department-issued certification card or by an apprentice under direct supervision of a certified snow groomer operator. The certification card must be in the certified snow groomer operator's possession when the equipment is being operated.

12.35(5) Certified operators must attend a recertification course once every three years to maintain their certification.

12.35(6) The department may revoke an operator's certification if it finds that equipment was used or maintained in violation of the equipment agreement in place for the equipment, that there are founded cases of misuse of the equipment, or that an operator does not possess a valid driver's license issued by the Iowa department of transportation.

571—12.36(483A) Bow hunter education program.

12.36(1) The education course for the bow hunter education program is designed to teach bow hunters safe and ethical hunting techniques and to instill responsible attitudes toward people, wildlife, and the environment. The education course is based on the National Bowhunter Education Foundation's publications and is administered by the department. The education course covers topics such as responsibilities of a bow hunter, knowledge necessary before hunting, shot placement, tree stand safety, blood trailing, and game care.

12.36(2) The education course is offered in both a classroom and an online setting.

a. The classroom course is taught by department-certified instructors and is approximately six hours in length. The course consists of both a lecture and hands-on exercises. Students will be given a written examination which they must pass with 75 percent accuracy in order to earn an education certificate.

b. The online course is a combination of an online class and a field day and is recommended for students 16 years of age or older. A student must complete both the online class and field day to gain certification. Only vendors that have been approved by the International Hunter Education Association and have entered into a memorandum of understanding with the department will be allowed to offer an online course that results in the issuance of a field day voucher. The field day voucher is valid for one year and authorizes entrance into a field day course.

(1) The online class is completed by the student on the student's own time. This portion of the course is in conjunction with the National Bowhunter Education Foundation, which charges a fee to students for the foundation's service.

(2) The field day is offered free of charge by a certified bow hunter instructor. A student successfully completes the online course/field day by presenting to the field day instructor a copy of the Field Day Qualifier Certificate from the National Bowhunter Education Foundation online course to show that the student has successfully completed the online portion. Students then must successfully participate in practical testing at the field day and demonstrate bow and arrow safety and hunting skills under the supervision of a certified instructor. Students may be required to bring their own bow hunting equipment to be used during the field day. Students must also preregister for the field day course by using the DNR online training registration and tracking system unless Internet access is unavailable, in which case the student shall preregister by contacting the department.

12.36(3) The following criteria apply to the bow hunter education program:

a. Any student who is 11 years of age or older may enroll in a course and receive a certificate if the student successfully completes the course; however, if the student is 11 years old, the certification shall not become valid until the student's twelfth birthday.

b. Students must use the DNR online training registration and tracking system to register for classes unless Internet access is unavailable. Students who do not have access to the Internet, which includes access through a public option such as a school or library, may contact a recreation safety officer, a department district office, the system administrator, or an instructor to set up a student account and register for the class. Assistance may be found by calling (515)281-5918. Students under the age of 11 must have a parent or guardian establish a user account and register on their behalf.

c. There is no charge for the department's course.

571—12.37(483A) Fur harvester education program.

12.37(1) The fur harvester education program is designed to teach trappers safe and ethical trapping techniques and to instill responsible attitudes toward people, wildlife, and the environment.

12.37(2) The fur harvester education program is between six to eight hours in length, and students will receive instruction and hands-on training on the history and heritage of the fur trade, biology and management of Iowa furbearers, wildlife regulations and their purpose, ethics and responsibility, fur harvesting equipment, the basics of harvesting Iowa furbearers, marketing furbearers, public relations, and the basics of outdoor safety and survival. Students will receive a certificate of completion at the end of the education program.

12.37(3) The following criteria apply to the fur harvester education program:

a. Any student who is 11 years of age or older may enroll in a course and receive a certificate if the student successfully completes the course; however, if the student is 11 years old, the certification shall not become valid until the student's twelfth birthday.

b. Students must use the DNR online training registration and tracking system to register for classes unless Internet access is unavailable. Students who do not have access to the Internet, which includes access through a public option such as a school or library, may contact a recreation safety officer, a department district office, the system administrator, or an instructor to set up a student account and register for the class. Assistance may be found by calling (515)281-5918. Students under the age of 11 must have a parent or guardian establish a user account and register on their behalf.

c. There is no fee for the education program.

The rules in this division are intended to implement Iowa Code sections 321G.2, 321G.23, 321I.25, 462A.1, and 483A.27.

[Filed 5/13/10, effective 7/7/10]

[Published 6/2/10]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/2/10.